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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91221739
Party	Defendant Maxima IP Holdings I LLC
Correspondence Address	THOMAS MCNIFF ESQ MAXIMA IP HOLDINGS I LLC 463 7TH AVE STE 806 NEW YORK, NY 10018 UNITED STATES thomas.mcniff@gmail.com, tmcniff@maximaapparel.com
Submission	Motion to Dismiss 2.132
Filer's Name	Thomas McNiff
Filer's e-mail	thomas.mcniff@gmail.com
Signature	/Thomas McNiff/
Date	08/01/2016
Attachments	motion for involuntary dismissal v1.pdf(410094 bytes)

**UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

NBCUNIVERSAL MEDIA, LLC
Opposer,

Opposition No. 91221739

v.

Mark: Parks and Recreation

MAXIMA IP HOLDINGS I LLC
Applicant.

Serial No. 86411895

**APPLICANT’S MOTION FOR INVOLUNTARY DISMISSAL
FOR FAILURE TO TAKE TESTIMONY UNDER 37 C.F.R. § 2.132(a)**

Applicant Maxima IP Holdings I LLC (“Applicant”), by and through its attorney, hereby moves, pursuant to Trademark Rule § 2.132(a), for dismissal of the opposition proceeding, on the grounds that Opposer, NBCUniversal Media, LLC, has failed to prosecute same. The thirty-day testimony period for Opposer expired on July 2, 2016 and Applicant is not aware of any efforts by Opposer to change trial dates or take any testimony, nor has Applicant been served by Opposer with any notices for taking testimony or motions for extending trial dates. As such, Applicant respectfully believes Opposer is no longer able to obtain testimony and submit evidence necessary to prove its case.

Accordingly, Applicant respectfully requests dismissal of the subject opposition proceeding as it should no longer be necessary for Applicant to obtain testimony and produce evidence to defend the opposition in its thirty-day testimony period which is scheduled to conclude on August 31, 2016.

Dated: August 1, 2016

Respectfully submitted,

By: /Thomas McNiff/
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ATTORNEY FOR APPLICANT
MAXIMA IP HOLDINGS I LLC

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Applicant's Motion for Involuntary Dismissal for Failure to Take Testimony Under 37 C.F.R. § 2.132(a) was deposited with the United States Postal Service, first class postage prepaid, on the date indicated below, in an envelope addressed to:

Tristram R. Fall, III, Esq.
Fox Rothschild LLP
PO BOX 5231
Princeton, NJ 08543-5231

Dated: August 1, 2016

Thomas McNiff